

ORIGINAL

FILED

July 27 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 10-0170

JOSEPH WILLIAM DOYLE and
VIRGINIA CITY BUILDING
CORPORATION, a Montana
Corporation,

Plaintiffs/Appellants,

v.

MICHAEL V. B. CLARK, RALPH
HAMLER, individually and as agent of
Madison County, and MADISON
COUNTY, a subdivision of the State of
Montana,

Defendants/Appellees.

**AMENDED NOTICE OF
APPEAL**

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STATE OF MONTANA

NOTICE is given that Joseph William Doyle and Virginia City Building Corporation, the Appellants above-named and who are the plaintiffs in that cause of action filed in the Fifth Judicial District, in and for the County of Madison as Cause No. DV 29-06-62, hereby amend their original Notice of Appeal filed April 2, 2010, to also include an Order Awarding Defendants' Costs filed in the district court on July 21, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. (Note: the April 2, 2010 Notice of Appeal erroneously stated that this appeal

was not subject to mediation.) If subject to mediation, the money judgment being sought is not less than \$5,000.


2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause were ordered from the court reporter contemporaneously with the filing of the original notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That the filing fee prescribed by statute was paid when the April 2, 2010 Notice of Appeal was filed.

Dated: July 26, 2010.

By: 
Terry F. Schaplow
Attorney for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that, on July 26, 2010, I have filed a true and accurate copy of the foregoing AMENDED NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing AMENDED NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Ed Smith
Clerk of the Supreme Court
PO Box 203003
Helena, MT 59620-3003

Clerk of the Court
Madison County District Court
P.O. Box 185
Virginia City, MT 59755

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By: _____
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